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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,032

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Masaya Tamaru

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10/15/2008

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC

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VIENNA, VA 22182-3817

EXAMINER

WORKU, NEGUSSE

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

10/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/820,032

**Applicant(s)**

TAMARU, MASAYA

**Examiner**

NEGUSSIE WORKU

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 3-8 and 17-20 is/are allowed.  
6) ☒ Claim(s) 1 and 2 is/are rejected.  
7) ☒ Claim(s) 9-16 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SI/88)  
Paper No(s)/Mail Date 04/08/04  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Arguments**

1. Applicant's arguments filed 08/18/08 have been fully considered but they are not persuasive.

Regarding claims 1, Applicant alleged the combination the prior arts of fails to show or suggest, the claimed limitation in claims 1. In response, the Examiner respectfully disagrees because the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the Examiner asserts that the combination of the prior arts when considered as a whole clearly teaches that " the limitation of claim 1 " as currently amended in 1 are well-known in the art at the time of the invention was made. In particular, Sones '003' in view of Mizukura '808' clearly suggested the advantage of combining the reference cited. In view of the above, having the system of Sones '003' and then given the well- established teaching of Mizukura '808', the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the references for the purpose of obtaining a perfect final image, for all the prints of

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different color to be exactly superimpose, and it should be clear to one skilled in the art that anyone of a wide variety of image processing device can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

For the above reasons, the Examiner asserts that the combination of the cited reference does in fact show the present claimed invention is known to ordinary skilled in the art at the time of the invention was made, thus, the rejections are maintained as follows:

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sones (USP 5,911,003), in view of Mizukura et al. (USPAP 2006/0012808).

With regard to claim 1, Sones '003' teaches an apparatus (fig 2) for reproducing image data formed by imaging an object, (image formed by camera 30 of fig 2) comprising: a reader circuit (30 of fig 2) for reading out image data,

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first color space information represented by a plurality of coefficients converting the image data in a color space set when imaging the object, (col.3, lines 57-65) and color temperature information optimum for the first color space information (fig 6c, 372-378 of fig 6c); a first color space corrector for correcting the image data based on the first color space information (co1.1, lines 35-40); a second color space corrector for correcting the image data adjusted by said color temperature adjuster based on second color space information represented by a plurality of coefficients converting the image data to a color space set in said apparatus, (the offset values for each color are about 5-10 for the selected 0-255 base ten range of each color component. The offset values may drift with temperature and time so that it is preferred to perform an offset correction on every image using a portion of representative pixels from region B, col.7, lines 20-30).

Sones '003' does not teach a color temperature adjuster for correcting the image data corrected by said first color space corrector based on the color temperature information.

However, Mizukura '808' teaches a color temperature adjuster for correcting the image data corrected by said first color space corrector based on the color temperature information; (col.5, 0086-0088).

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Sones '003' by the teaching of Mizukura for the purpose of obtaining a perfect

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final image, for all the prints of different color to be exactly superimpose, and it should be clear to one skilled in the art that anyone of a wide variety of image processing device can be similarly employed to accomplish this desired result without depending from the teaching of the present invention.

With respect to claim 2, Sones teaches the apparatus (as shown in fig 2 and 3), wherein the first color space information includes a standard prescription for a color space proposed by a manufacturer, and the second color space information defines a color space desired by a user of said apparatus (co1.12, lines 5-15).

#### ***Allowable Subject Matter***

5. The following is a statement of reasons for the indication of allowable subject matter: Claims 3-8 and 17-20 are allowed for the reason the prior art searched and of record neither anticipates nor suggests the claimed invention.

#### ***Claims Objected to having Allowable Subject matter***

6. Claims 9-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Examiner, Art Unit 2625

/Edward L. Coles/

Supervisory Patent Examiner, Art Unit 2625